

Remarks

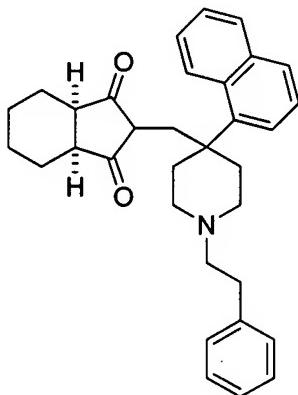
Claims 1 and 92 are pending. Claim 1 is rejected. Claims 2-91 have been canceled.

Claim 1 has been amended. New Claim 92 has been added. With respect to its breadth in claim 1, in claim 92 the Markush group defining R₁ has been narrowed from “aryl” to “optionally substituted phenyl.” Support for claim 92 can be found throughout the specification, for example in the definition of aryl which includes “benzene” (page 11, line 7) that may be “substituted at one or more ring positions” (page 11, lines 10-11). Therefore, new matter has been added.

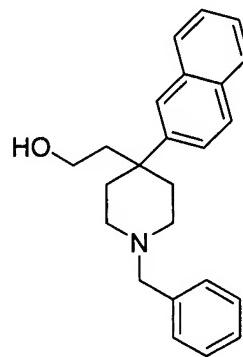
Importantly, the claim amendments and additions should not be construed to be an acquiescence to any of the claim rejections. Rather, the amendments and additions to the claims are being made solely to expedite the prosecution of the above-identified application. The Applicants expressly reserve the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application. 35 USC § 120.

Response to Claim Rejections Based on 35 USC § 102(b)

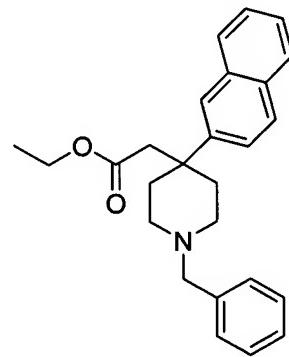
Claim 1 is rejected as being anticipated by WO 91 06297 (Ciganek *et al.*). The Examiner contends that the reference discloses compound I shown below. Claim 1 is additionally rejected as being anticipated by WO 98 57972 (Monaghan *et al.*). The Examiner contends that the reference discloses compounds II and III shown below.



I



II



III

Solely in order to expedite the prosecution, claim 1 has been amended to replace “aryl” with “substituted phenyl” in the Markush group defining R₅, thereby narrowing the scope of the

claim to exclude compounds I, II and III, each of which has an unsubstituted phenyl moiety at this position. Support for this amendment can be found throughout the application; for example, the definition of aryl (page 11), taken with the embodiments listed on page 19, lines 5-6, which reads: "In certain embodiments, the compounds of the present invention are represented by A and the attendant definitions, wherein R₅ represents a substituted phenyl; and R₁ represents aryl".

Accordingly, the Applicant respectfully requests the withdrawal of the rejections based on 35 USC § 102(b).

Fees

The Applicants believe there are no required fees in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, **06-1448**.

Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
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